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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,086	06/26/2001	Richard C. Boyd	DP-300895	3021

7590 09/23/2003

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EXAMINER

DUONG, THO V

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 09/23/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,086

Applicant(s)

BOYD ET AL.

Examiner

Tho v Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 9.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Receipt of applicant's preliminary amendment filed 9/17/2003 is acknowledged and entered as Paper #8. It is noted that the title "Engine Coolant Crssover Assembly" in the preliminary amendment does not match with the title "Engine Coolant Conduit With Integral Alternater And Exhaust Gas Recirculation Valve" disclosed in the specification.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the oath, declaration or application data sheet does not acknowledge the filing of any PCT application and the title of the instant application does not match with the title in the PCT application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

Specification

The disclosure is objected to because of the following informalities: the word "Alternater" in the title appears to be a typographical error of "Alternator" which has been consistently used through out the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 recites the limitation "said inner wall" in line 1. There is insufficient antecedent basis for this limitation in the claim. Since claim 7, which claim 10 depends from, does not mention any inner wall, it is not clear what inner wall applicant is claiming. The examiner is not sure to assume if applicant is claiming "the inner wall" as referring to the "inner wall" in claim 8 or in claim 9. Therefore, claim 10 will not be treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9, 11-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gajewski et al. (US 5,040,493) in view of Tanaka et al. (US 4,938,176). Gajewski discloses (figures 1-2 and column 3, lines 45-63) an external coolant conduit member integrated as a part of an intake manifold (28) forming a connection between V-type engine components (10); the coolant conduit member comprising a body (body of the intake manifold) mountable to the engine (10) and defining a cooling passage (34,36,38,40) extending between an inlet (36) and an outlet (40) in the body; a first mount includes an inner wall (32) defining a cavity (34) and mounted means (21) for mounting an alternator (16) in the cavity to transmit heat into the

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cooling passage; the inner wall (32) surrounding the alternator (16) so as to form an outer wall for the alternator (16) when the alternator is placed inside the cavity (34). Gajewski does not disclose that an EGR valve is mounted in the conduit member. Gajewski has further suggested (column 4, lines 13-26) that before leaving the discharge passage (40), the coolant may flow to any other appropriate part of the cooling system of the engine. Tanaka discloses that one of the cooling system of the engine is a cooling of an EGR valve. Tanaka discloses (figures 1-6, and column 2, lines 17-46) that an EGR (12) is mounted to a cooling conduit member (5), which is integrally formed with an intake manifold (1) by a flange (7) and wherein the cooling conduit member (5) has a cooling passage (11) extending in heat exchange relation to the EGR valve (12) to cool the EGR valve and to prevent the loosening of the EGR from the intake manifold due to the high temperature of the exhaust gas. The EGR valve (12) is capable of controlling the exhaust gas flowing through a passage (6) between inlet and outlet ports in the conduit member (5). As suggested by Gajewski, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Tanaka's teaching in Gajewski's intake manifold system to cool the EGR valve attached to the intake manifold and to prevent the loosening of the EGR valve from the intake manifold.

Allowable Subject Matter

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: the prior arts taken singularly or in combination do not disclose the subject matter of thermostat housing and coolant temperature sensor extending into the coolant passage.

Conclusion

The non-application of art against claim 10 should not be construed as an indication that the claim contains allowable subject matter.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aula et al. (US 4,267,812) discloses an engine EGR cooler connected to an intake manifold.

Azuma (US 5,970,960) discloses an intake manifold that has an EGR valve attached on the manifold.

Harpenau et al. (US 6,072,253) discloses a liquid-cooled electrical machine.

Tomohiro et al. (JP 407259657) discloses an exhaust gas recirculation device of V-engine.

Kitamura (US 4,922,148) discloses a water cooled alternator for vehicle.

Hunt (US 4,358,051) discloses a thermostat assembly for an engine cooling system.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Tho Duong whose telephone number is (703) 305-0768. The examiner can normally be reached on from 9:30-6 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennet, can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7764.

Any inquiry of a general nature or relating to status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.



TD

September 18, 2003



Tho Duong

Patent Examiner.